



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

Tuesday, April 19, 2005

9:30 AM

Commission Chamber

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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Board of County Commissioners
Meeting Agenda
April 19, 2005**

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Numbers

4(B)	7(C)
7(D) & 7(E)	14(A)(1)

If you require further analysis of these or other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

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LEGISLATIVE ANALYSIS

ORDINANCE CREATING PROGRAM FOR EXPEDITED REVIEW AND APPROVAL OF BUILDING PERMIT APPLICATIONS FOR GREEN BUILDINGS; DEFINING GREEN BUILDINGS; PROVIDING FOR ADMINISTRATIVE ORDER; CREATING SECTION 8-8 OF THE CODE.

Commissioner Katy Sorenson

I. SUMMARY

This Ordinance allows for the creation of an expedited permit program for structures that incorporate environmentally sensitive design and construction methods to be implemented by the Building Department.

II. PRESENT SITUATION

Presently the Miami Dade County Building Code does not address green buildings. One of three methods can be employed to expedite the Building Department's permitting process:

- Section 8-7 of the Code allows for a County Department Director to request an expedited process in respect to the construction, alterations, or repair of County owned buildings;
- Administrative Order 4-120 allows for the owner to take advantage of the Professional Certification Program, utilizing a registered person to review the permitting plans and inspect the building's construction;
- Administrative Order 4-120 also allows for the Optional Expedited Plan Review Program.

In the Professional Certification Program, the Building Department functions as the quality control measure, performing audit reviews of at least 20% of the permitting plans submitted. The Building Department reviews all plans submitted under the Optional Expedited Plan Review Program.

The Professional Certificate Program, although not considered an expedited procedure but an alternative, has the added effect of accelerating the permitting process. Once registered, the person reviewing and inspecting the structure sets their own schedule for review.

III. POLICY IMPLICATIONS

Section 8-8 of the Code will define and address the expedited permitting process of green buildings.

According to the Building Department, a resolution revising Administrative Order 4-120, Building Permit Process Alternative, is forthcoming. This resolution encompasses the expedited permitting process for green buildings.

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IV. ECONOMIC IMPACT

No additional staff or monies would be required to handle the additional review of green buildings.

V. COMMENTS AND QUESTIONS

According to the Building Department, the proposed revisions of Administrative Order 4-120 will include guidelines to determine whether the structure is a green building.

LEGISLATIVE ANALYSIS

ORDINANCE CREATING SECTION 2-1150 OF THE CODE OF MIAMI-DADE COUNTY; ESTABLISHING THE RONALD REAGAN EQUESTRIAN CENTER ADVISORY BOARD; PROVIDING FOR MEMBERSHIP, PURPOSE, ORGANIZATION, AND PROCEDURE, APPOINTMENT AND TENURE, POWERS, DUTIES, AND FUNCTIONS OF THE BOARD, AND STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Commissioner Javier Souto

I. SUMMARY

This Ordinance creates the Ronald Reagan Equestrian Center Advisory Board for the purpose of providing guidance on programming and use of the Ronald Reagan Equestrian Center at Tropical Park. This advisory board is the successor to the now-expired Equestrian Center Advisory Board, having similar powers and membership, but without an expiration date.

II. PRESENT SITUATION

An Equestrian Center Task Force was established to gather input from the equestrian industry as it relates to the construction of the equestrian show ring. On November 6, 2001, the Board directed the County Manager to create an Equestrian Center Advisory Board comprised of a representative of the previous task force, and representatives from several horse associations or breeders. The advisory board provided practical and technical advice to staff for use in the development of the equestrian center, for a period of one year. The Tropical Park Equestrian Center opened on March 22, 2002. The existence of the Equestrian Center Advisory Board was extended for another year on April 8, 2003. The Equestrian Center was renamed for President Ronald Reagan on July 13, 2004.

III. POLICY CHANGE AND IMPLICATION

This advisory board is the successor to the now-expired Equestrian Center Advisory Board, having similar powers and membership, but without an expiration date.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS

ITEM 7(D) ORDINANCE AMENDING ARTICLE VII, SECTION 33-124.1 OF THE CODE RELATING TO PARKING COMMERCIAL VEHICLES IN RESIDENTIALLY AND AGRICULTURALLY ZONED DISTRICTS.

ITEM 7(E) ORDINANCE REPEALING ARTICLE I, SECTION 33-20.1 OF THE CODE RELATING TO PROHIBITION OF TOW TRUCKS IN RESIDENTIALLY ZONED DISTRICTS.

Senator Javier D. Souto and Commissioner Barbara J. Jordon

I. SUMMARY

Item 7(E) proposes an ordinance repealing the prohibition of tow trucks being stored in residential areas. This section is being repealed in anticipation of passage of Item 7(D).

Item 7(D) addresses the storage of commercial vehicles in residential and agricultural zoned areas. It refines definitions of the respective vehicle categories and prescribes limitations.

- Approving Items 7(D) and 7(E) will include tow trucks as “commercial vehicles” for this legislation. Tow trucks, like other Category 3 vehicles, will be prohibited from non-temporary parking or storage in residentially zoned districts.
- These two pieces of legislation, together, resolve concerns about enforceability of this matter.

II. PRESENT SITUATION

Many in the tow truck industry have challenged and questioned why tow trucks are treated differently than other commercial vehicles with respect to legislation restricting storage and parking.

Others have argued there is a difference between tow trucks being stored in restricted areas versus other commercial marked vehicles.

Prior to the outcome of a recent lawsuit, the Consumer Services Department did distinguish between commercial vehicles by licensing tow trucks. The department also provided the respective companies with a copy of the County Code relating to parking tow trucks in residential areas. The department used this approach to put companies on notice and provide them with an official warning.

The Consumer Services Department has recently discontinued the licensing of tow trucks following a lawsuit by the industry. This leaves the County with a weaker argument for distinguishing between the two groups and has made it difficult for Team Metro to enforce Article I, Section 33-20.1 of the Code Relating to Prohibition of Tow Trucks.

III. POLICY CHANGE AND IMPLICATION

In combination, Items 7(D) and 7(E) would allow for tow trucks to be collectively addressed with other commercial vehicles.

Furthermore, the proposed revisions include height limitations and a broader description of the vehicle's exterior in the definition of commercial vehicles.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SERVICE SYSTEMS ASSOCIATES, INC. TO OBTAIN OPERATION AND MAINTENANCE OF FOOD AND BEVERAGE CONCESSIONS AND GIFT AND NOVELTY RETAIL SALES AT METROZOO, AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN AND FURTHER, TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE AN AMENDMENT TO THE ZOOLOGICAL SOCIETY OF FLORIDA TO MODIFY THE PAYMENT REQUIREMENTS AND PROVIDE FOR TERMINATION CONCURRENT WITH COMMENCEMENT OF THE NEW CONTRACT NO. 384

Procurement Management Department

I. SUMMARY

The Resolution awards the combined Food and Beverage and Gift and Novelty Sales contract at the Metrozoo to Service Systems Associates, who scored highest on both the concession services and retail sales RFPs.

The new rents are based on a combination of a fixed monthly rate plus a percentage of their gross receipts. Current vendors pay rents equal to 25% of their gross receipts.

The Resolution also exempts the Zoological Society of Florida, the current vendor for the gifts and novelty concession at the Zoo, from further rental payments, effective as of April 1, 2005.

II. PRESENT SITUATION

The Zoological Society of Florida has operated the gift and novelty concession at the Zoo since 1986. For the gift and novelty concession, the Zoological Society paid \$158,408, \$161,657 and \$141,839 for calendar years 2002, 2003 and 2004 respectively.

Food and beverage service is being provided by Toby's Frozen Lemonade under a permit since November 2003. For the food and beverage concession, Toby's paid \$282,376 for FY 03-04, and \$99,938 for the four month period ending in February. Toby's competed in the RFP for the food and beverage concession contract, but came in third.

III. POLICY CHANGE AND IMPLICATION

The Resolution awards the combined Food and Beverage and Gift and Novelty Sales contract at the Metrozoo to Service Systems Associates. The new rents are based on a combination of a fixed monthly rate plus a percentage of their gross receipts. Current vendors pay rents equal to 25% of their sales.

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The fixed monthly installments are \$4,400 for food and beverage and \$1,555 for gift and novelty (\$52,800 and \$18,660 respectively annually). The monthly rate is based on an annual attendance of 485,000; after each year, the monthly rate will be adjusted based on the prior year's annual attendance.

In addition, for annual food and beverage sales, the vendor will pay 15% of the first \$1.5 million in gross receipts and 20% of gross receipts beyond that. For annual gift and novelty sales, the vendor will pay 15% of the first \$800,000 in gross receipts, and 20% of gross receipts beyond that.

The Resolution also exempts the Zoological Society, from further rental payments for the gifts and novelty concession, effective as of April 1, 2005.

IV. ECONOMIC IMPACT

The new rents are based on a combination of a fixed monthly rate plus a percentage of their gross receipts.

V. COMMENTS AND QUESTIONS

The Zoological Society of Florida is the non-profit support organization for the Zoo. Miami-Dade County operates and maintains the Zoo, and the Zoological Society supports several Zoo programs and enhancements.